

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA ex rel.  
THOMAS J. MILLER,  
ATTORNEY GENERAL OF IOWA  
99AG25112,

Plaintiff,

v.

AMERICANS WITH DISABILITIES,  
LLC, an Arizona corporation;

DALE R. SIECK,  
in his individual capacity and his corporate  
capacity as manager/owner/agent of the  
corporate defendant; and

JEFFREY A. BALKE,

Defendants.

Equity No. CE 68643

CONSENT JUDGMENT  
AS TO DEFENDANTS

AMERICANS WITH DISABILITIES, LLC  
AND DALE R. SIECK

On this 11<sup>th</sup> day of August, 2011, the Court, having been presented by

Assistant Attorney General Steve St. Clair with this Consent Judgment, finds and orders as follows:

1. Plaintiff State of Iowa ex rel. Thomas J. Miller, Iowa Attorney General, has filed a Petition in Equity against the above-captioned defendants pursuant to Iowa Code § 714.16 (2011), the Iowa Consumer Fraud Act, and this Consent Judgment, which has been approved by Defendants Americans With Disabilities, LLC and Dale R. Sieck, is intended to resolve this litigation as to those defendants (only). The third named defendant, Jeffrey A. Balke, has not approved this Consent Judgment, and nothing herein applies to Mr. Balke or affects the pending litigation as to Mr. Balke. Hereinafter, "Defendants" refers to Americans With Disabilities, LLC

and Dale R. Sieck, and does not include Mr. Balke, unless the context otherwise requires.

2. The Court has jurisdiction of the parties and subject matter. The last name of Defendant Sieck was originally misspelled as "Seick" in the caption, but no confusion as to identities was caused thereby; Defendants have waived any objection based on that misspelling, and the caption of this Consent Judgment reflects the corrected spelling.

3. The Court finds that this Consent Judgment should be entered.

**IT IS THEREFORE ORDERED** pursuant to Iowa R. Civ. P. 1.1501 *et seq.* and the Iowa Consumer Fraud Act, Iowa Code § 714.16, that Defendants, and each of them, and (as applicable) their directors, officers, principals, partners, employees, agents, servants, representatives, subsidiaries, affiliates, successors, assigns, merged or acquired predecessors, parent or controlling entities, and all other persons, corporations and other entities acting in concert or participating with one or both Defendants who have actual or constructive notice of the Court's injunction are permanently restrained and enjoined from engaging in any course of advertising, solicitation, or sale directed to Iowa consumers (or directed to non-Iowans from an Iowa location) that involves telemarketing, direct mail, or express or implied representations that sales or donations benefit the disabled or disadvantaged.

**IT IS FURTHER ORDERED** that, in addition to whatever other legal remedies may be available, a violation of this Consent Judgment constitutes a violation of the Iowa Consumer Fraud Act, Iowa Code § 714.16 (2011), and each violation by a Defendant of this Consent Judgment, if established by a preponderance of the evidence in a Consumer Fraud Act action by the Attorney General, gives rise to a presumptive civil penalty in the highest amount provided by that Act.

**IT IS FURTHER ORDERED** that, pursuant to Iowa Code § 714.16, Defendants pay to the Attorney General, no later than December 31, 2011, the sum of \$2,000.00, to be deposited by the Attorney General in the fund created by Iowa Code § 714.16A.

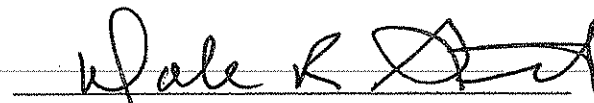
**IT IS FURTHER ORDERED** that the Court shall retain jurisdiction for purposes of enforcement of this Consent Judgment, and that Defendants shall pay court costs, if any.

**SO ORDERED.**

  
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Judge, Fifth Judicial District of Iowa

Approved:


Date: July 30, 2011

  
\_\_\_\_\_  
Defendant Americans With Disabilities, LLC

Date: July 30, 2011

  
\_\_\_\_\_  
Defendant Dale R. Sieck

Date: August 11, 2011

  
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Steve St. Clair  
Assistant Iowa Attorney General